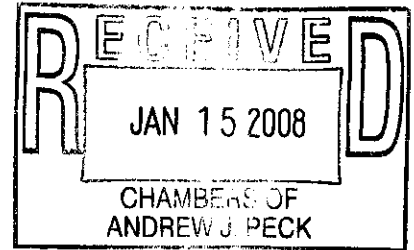
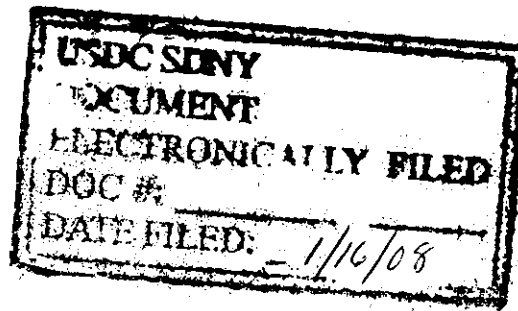


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Chambers of the Hon. Magistrate Andrew J. Peck
U.S. District Court, SDNY
500 Pearl St. Rm. 1370
New York, NY 10007
BY FAX

January 15, 2008

Re: Rodney Brown v. City of New York et al. 07CV5753(GEL)(AJP)

Your Honor-

I have been retained by Mr. Brown in connection with the above case. I have included a copy of my notice of appearance which was filed on ECF today.

I understand that there is a response pending in connection with defendants' motion to remand the case to state court. I have discussed this issue with Mr. Brown and we will consent to the remand.

Please let me know if there is additional paperwork you need from me. Thank you for your assistance.

Sincerely Yours,

Nicole Bellina
718 852 4491

cc: ACC Alan Rosinus (BY FAX)

MEMO ENDORSED 1/15/08

The pending motion is not one to "remand" but to dismiss for lack of federal question, i.e., that the complaint is frivolous. Brown counsel and I discussed this by fax, by which I consented to a document which I signed and without further thought to bring a new action in state court.

SO ORDERED:

BY FAX

Hon. Andrew Jay Peck
United States Magistrate Judge

*Copy for: J. Bellina
Judy Lynch*

AO 458 (Rev. 10/95) Appearance

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

NEW YORK

APPEARANCE

Case Number: 07CV5753 (GEL)

To the Clerk of this court and all parties of record:

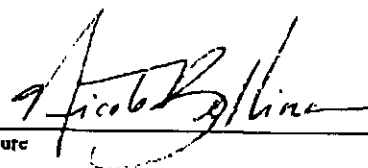
Enter my appearance as counsel in this case for
PLAINTIFF RODNEY BROWN

I certify that I am admitted to practice in this court.

1/15/2008

Date

Signature



NICOLE BELLINA

NB7154

Print Name

Bar Number

71 NEVINS ST

Address

BROOKLYN

NY

11217

City

State

Zip Code

(718) 852-4491

(718) 852-3586

Phone Number

Fax Number

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: January 16, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Nicole Bellina, Esq.	718-852-3586
Abigail Goldenberg, Esq. Alan Rosinus, Esq.	212-788-0940

TRANSCRIPTION:

MEMO ENDORSED 1/15/08

The pending motion is not one to "remand" but to dismiss for lack of a federal question, i.e., that the complaint is for negligence. Both counsel are to advise the Court by fax, by close of business 1/17/08 whether they consent to a dismissal without prejudice and without costs (allowing plaintiff to bring a new action in state court).

Copy to: Judge Gerard E. Lynch